

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

GAIL DeSIMONE-TELLA,)	
Plaintiff,)	
)	Case No.: 1:21-cv-00380
v.)	
)	
ARAMARK MANAGEMENT SERVICES)	
LIMITED PARTNERSHIP,)	
Defendant.)	
)	

NOTICE OF REMOVAL

Defendant Aramark Management Services Limited Partnership (hereinafter “Defendant”) hereby file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446 of the action now pending in the Rhode Island Superior Court, Providence County, Case No. PC-2021-03189 (the “Action”), to the United States District Court for the District of Rhode Island. Defendant, appearing for the purpose of removal only and for no other purpose, and reserving all defenses and rights available to it, state as follows in support of this Notice of Removal.

Preliminary Matters

1. On or about May 5, 2021, Plaintiff Gail DeSimone-Tella (“Plaintiff”) filed the Action. The complaint purports to assert numerous claims. A true and correct copy of the Summons and Complaint are attached hereto as Exhibit 1.
2. On May 6, 2021, Defendant accepted service of the summons and Complaint in connection with the Action.

3. Plaintiff responded to Requests for Admissions on August 31, 2021 and admitted that her damages were valued in excess of \$75,000.00, exclusive of interest and costs.

Exhibit 2.

Nature of the Action

4. Plaintiffs seek damages for personal injuries as a result of a trip and fall accident in Providence, Rhode Island. *See* Exhibit 1.

5. Plaintiffs assert claims of negligence against the Defendant based on various theories.

Grounds for Removal

6. This Action is removable pursuant to 28 U.S.C. § 1332(a)(1), which provides that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between...citizens of different states.”

7. Plaintiff Gail DeSimone-Tella is a person who resides in and is a citizen of Rhode Island, and Defendant Aramark Management Services Limited Partnership is a limited partnership incorporated in Delaware with its principal place of business in Pennsylvania. Therefore, the requirement that the matter in controversy is between citizens of different states is established in this Action.

8. As stated previously, Plaintiff admitted that her damages will exceed \$75,000.00, exclusive of interest or costs, which meets the amount in controversy pursuant to the statute. Exhibit 2.

9. Pursuant to 28 U.S.C. § 1446(d), Defendant promptly will file a copy of this notice of Removal with the Clerk of the Rhode Island Superior Court, Providence County, and will serve a copy of the same on Plaintiff.

10. By removing this matter, Defendant does not waive or intend to waive any defenses that may be available to it.

WHEREFORE, Defendant respectfully removes the Action now pending in the Rhode Island Superior Court, Providence County, C.A. No. PC-2021-03189 to the United States District Court for the District of Rhode Island.

Dated: September 16, 2021

Respectfully Submitted,
The Defendant,
Aramark Management Services Limited
Partnership
By its Attorney,

/s/ David Brosnihan

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and further certify that I caused paper copies to be mailed to the Plaintiff, through her attorney:

John J. DeSimone, Esq.
DeSimone Law Offices
735 Smith Street
Providence, RI 02905
jjd@desimonelaw.net

Dated: September 16, 2021

/s/ David Brosnihan

David A. Brosnihan